

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

Shawn Gibney, :
Petitioner, :
: :
v. : File No. 2:07-CV-104
: :
Robert Hofmann, :
Respondent. :
:

ORDER

The Report and Recommendation of the United States Magistrate Judge was filed March 13, 2008. After careful review of the file and the Magistrate Judge's Report and Recommendation, no objections having been filed by any party, this Court ADOPTS the Magistrate Judge's recommendations in full for the reasons stated in the Report.

This action is STAYED and the petitioner's unexhausted claims ("Grounds" IV, V, VI, and VII) are DISMISSED without prejudice. The stay will be conditioned on petitioner's initiation of efforts to exhaust his unexhausted claims within 30 days, if those efforts have not already been initiated. In addition, the petitioner must return to this Court and file an amended petition within 30 days of the completion of his effort to exhaust. If either condition of the stay is not met, the stay will be vacated *nunc pro tunc* as of the date it was entered, and the Court will proceed to consider only the exhausted claims in the petition.

Dated at Burlington, in the District of Vermont, this 14th
day of April, 2008.

/s/ William K. Sessions III
William K. Sessions III
U. S. District Judge